



STATE OF WASHINGTON  
**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

MARVIN L. SCHURKE, Executive Director

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MINUTES

January 13, 2004

A special meeting of the Public Employment Relations Commission was held in the Public Employment Relations Commission Conference Room, Suite 201, 9757 Juanita Drive NE, Kirkland, Washington, at 1:00 p.m. Those present and participating were:

Marilyn Glenn Sayan, Chairperson  
Joseph W. Duffy, Commissioner

Marvin L. Schurke, Executive Director  
Majel C. Boudia, Confidential Secretary  
Mark S. Downing, Unfair Labor Practice Manager

MINUTES OF PREVIOUS MEETINGS

The minutes of the meeting held on December 9, 2003, were approved at this meeting.

REPORT OF THE EXECUTIVE DIRECTOR

1. All monthly caseload statistics for the fiscal year have been recomputed. Jim Lohr does this several times during the year, to pick up cases that were closed after monthly statistics were computed. The result is we have closed more cases than earlier indicated.
  - a. Case intake for December was on track, with 82 cases filed.
  - b. Case closures were down, with 62 cases closed.
  - c. There were 649 cases pending at the end of December. Cases are being assigned to the seven new staff members, and many of those cases are being scheduled.
2. Mr. Schurke reviewed a card from Doug Baier, representing Bremerton Fire Fighters, Local 437, thanking Lisa Hartrich for



her efforts in mediation. Lisa's in-training program will conclude in April 2004, and this was her first outing as the lead mediator on a case. Mr. Schurke also noted that the case turned out to be unusual, because the employer withdrew its proposal for mid-term changes after mediation was held.

3. The Washington State Combined Fund Drive annual contribution summary indicates that 11 PERC employees donated a total of \$4,754 during the recent fund drive.

#### LEGISLATIVE UPDATE

The Executive Director discussed the following:

1. There has been no legislation introduced to deal with state employee issues.
2. The Health Care Quality Authority and Service Employees International Union have signed a contract that will be before the Legislature. The pay increase and benefits have been reduced from the first tentative agreement, and some glitches and oddities such as expecting PERC to mediate all grievances have been eliminated. SEIU supporters were in Olympia on the first day of the session to rally on the capitol campus.
3. Regarding the faculty collective bargaining law, Mr. Schurke noted that a hearing has been held on the case at Central Washington University, and that a petition is expected soon from Eastern Washington University.
4. Regarding the TA/RA case, a decision was issued just before the Christmas holiday. Mr. Schurke noted highlights of the decision, and that a cross-check had been directed because the union's showing of interest consisted of authorization cards signed before there was a law in effect. He also reported that the union filed a motion for a cross-check based on its filing of additional cards after the effective date of the law, and that Sally Iverson was to hold a telephone conference with the parties in coming days.
5. Mr. Schurke commented that case filings have started to pick up under the special rule adopted to "divide" and "perfect" bargaining units of state civil service employees. Agencies and the unions seem to understand that supervisors cannot be in a bargaining unit with other employees.
6. Kenneth Latsch will be backup for the Executive Director on legislative policy issues. He will attend a hearing this evening regarding interest arbitration for teachers. At least six other states have this option available, but the Washing-

ton Education Association has not favored that process. A practical problem is the time pressures that could be created for PERC. Bargaining for teachers used to take place in May through August, but the number of cases has declined and they are now concentrated in August and September. The PSRA now puts state employee bargaining and mediation in August and September. Some of the bills would have PERC paying for the interest arbitrator, which would be a fiscal and administrative problem for the agency.

7. At Commissioner Duffy's request, Mr. Schurke reviewed the "red list" in detail for the Commissioners. There were six cases which had been ready for decision for more than 90 days. Staff members are actively working on all of those cases. A case that had been ready for decision for 1-1/2 years was a particular subject of discussion.

#### COMPLIANCE DOCKET

*City of Pullman*, Case 16177-U-02-4134. Mr. Schurke reviewed the case history. The employer has complied with the decision. The Commission unanimously accepted the compliance, and the case will now be closed.

#### COURT DOCKET

*Renton Technical College*, Case 13262-U-97-3228. Mr. Schurke reviewed the case history, including the briefs recently filed in the Court of Appeals.

*Snohomish County PUD*, Case 15544-U-00-3932. The Commission reviewed a letter from Assistant Attorney General Spencer Daniels to the parties, indicating the agency will not be taking an active part in the judicial review proceedings on the case.

*Clover Park School District*, Case 13823-U-98-3385. The Commission reviewed the Mandate issued after the Supreme Court denied and no motion for reconsideration was filed.

#### COMMISSION DOCKET

The Commission docket was reviewed in detail, and the status of each case was discussed.

OTHER BUSINESS

Chairperson Sayan requested approval to attend the Association of Labor Relations Agencies (ALRA) Executive Board Meeting to be held February 27 - 29 in Washington, D.C. Commissioner Duffy moved that she attend. The motion carried.

Mr. Schurke noted that Starr Knutson has been in charge of the initial preparations for the 2005 ALRA conference to be held in Seattle, and he requested approval for her to attend the Executive Board Meeting in Washington, D.C. Commissioner Duffy moved that she attend. The motion carried.

Mr. Schurke reported that he had received a telephone call from John Higgins of the National Labor Relations Board, asking that Mr. Schurke attend a meeting of the ALRA Neutrality Project Committee to be held in conjunction with the ALRA board meeting, and he requested approval for him to attend. Commissioner Duffy moved that he attend. The motion carried.

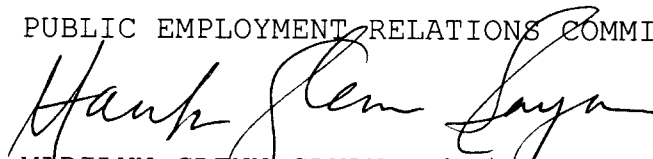
Staff alumni, current staff members, and clientele guests attending the meeting were introduced, and all present were invited to tour the new office space. Chairperson Sayan asked Mr. Schurke to thank Jim Lohr for all of his work in acquiring and finalizing the plans for the Kirkland office.

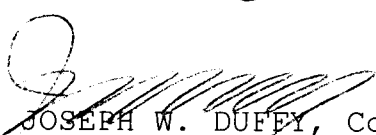
Mr. Schurke noted that the Olympia office plans were signed today. There will be space to occupy all Olympia-based staff members plus the agency administration and the law clerk position.

ADJOURNMENT

There being nothing further to come before the Commission, the meeting was then adjourned.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARILYN GLENN SAYAN, Chairperson

  
JOSEPH W. DUFFY, Commissioner

ATTEST:

  
MARVIN L. SCHURKE, Executive Director